



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Safety

4 (Amendment)

5 805 KAR 7:030. Annual retraining.

6 RELATES TO: KRS 351.106

7 STATUTORY AUTHORITY: KRS ~~[351.105,]~~ 351.106

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.106 requires the Department  
9 for Natural Resources ~~[of Mines and Minerals]~~ to establish an annual miner retraining program  
10 ~~[according to the criteria and standards determined by the Mining Board]~~. This administrative  
11 regulation establishes the requirements and terms of the annual retraining program.

12 Section 1. (1) A certified underground miner shall receive a minimum of sixteen (16) hours  
13 of annual retraining. At least eight (8) hours of the annual retraining shall be:

14 (a) Administered in a classroom;

15 (b) Conducted by a Kentucky certified underground mining instructor and the amount of  
16 training documented on the training form defined in Section 1(3) of this administrative regulation  
17 and embossed with the instructor's seal;

18 (2) The balance of the annual retraining shall be administered in segments of not less than  
19 fifteen (15) minutes. Training administered in this manner shall be provided by, or under the direct  
20 supervision of, a Kentucky certified underground mining instructor or a Kentucky certified mine  
21 foreman. A person who receives annual retraining in this manner shall be notified that each

1 segment is being administered in satisfaction of the annual retraining requirement, and a record of  
2 each segment, including dates, duration, subject and attendees, shall be maintained at the mine site  
3 until the training form, Mine Safety and Health Administration Form 5000-23, described in Section  
4 1(3) of this administrative regulation can be completed.

5 (3) Documentation of completed training shall include the following information:

- 6 (a) Full name of person trained;
- 7 (b) Miner identification number;
- 8 (c) Type of mining operation;
- 9 (d) Type of training received;
- 10 (e) Date training completed;
- 11 (f) Subjects taught in that training;
- 12 (g) Signature of instructor;
- 13 (h) Signature of miner; and
- 14 (i) Date of signatures. After completion of his training, or upon the miner leaving  
15 employment with the licensee, the miner shall receive a copy of all of his training records.

16 (4) The annual retraining courses shall include the following subjects:

- 17 (a) Transportation controls and communications systems;
- 18 (b) Barricading;
- 19 (c) Roof control and ventilation plans;
- 20 (d) First aid;
- 21 (e) Electrical hazards and moving equipment;
- 22 (f) Accident prevention;
- 23 (g) Self-rescue devices;

1 (h) Explosives;

2 (i) Health and safety standards; and

3 (j) Statutory rights of miners and their representatives.

4 Section 2. A person employed as a miner shall complete annual retraining within twelve  
5 (12) months from the end of the month of his most recent completed annual retraining requirement.

6 A certified miner who has had a break in employment as an underground miner shall be eligible  
7 to work if he has successfully completed the annual retraining requirements within the last twelve  
8 (12) months.

9 Section 3. The licensee shall maintain verification of all miner training and certification at  
10 the mine premises.

11 (1) The documentation shall include:

12 (a) The dates the annual training sessions were conducted;

13 (b) The name of the miner; and

14 (c) The miner identification number.

15 2) Licensees shall maintain documentation of the miners who are no longer employed by  
16 the licensee on the mine premises until the requirements of KRS 351.106(8) are met.

17 Section 4. Incorporation by Reference. (1) The Mine Safety and Health Administration  
18 Form 5000-23, revised October 1983, is incorporated by reference.

19 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
20 law, at the Kentucky Division of Mine Safety [~~Department for Mines and Minerals~~], 300 Sower  
21 Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

805 KAR 7:030 approved for filing.  
Pages (1-3)

8/14/2017

Date

Charles G. Snavely

Charles G. Snavely, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on September 26, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency by September 19, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:030  
Contact Person: Michael Mullins

Contact number: (502) 782-6720  
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation requires the Department of Mines and Minerals to establish an annual miner retraining program according to the criteria and standards determined by the Mining Board.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements and terms of the annual retraining program.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 351 provides the department the authority to promulgate administrative regulations to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes the requirements and terms of the annual retraining program.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements and terms of the annual retraining program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This amendment makes changes necessary to implement the requirements of SB 249 from the 2017 Legislative Session. This amendment will require the Department for Natural Resources to establish the requirements and terms of the annual retraining program rather than the Department of Mines and Minerals and the standards will no longer be determined by the Mining Board.
- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to require the Department for Natural Resources to establish the requirements and terms of the annual retraining program rather than the Department of Mines and Minerals and the standards will no longer be determined by the Mining Board.
- (c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by requiring the Department for Natural Resources to establish the requirements and terms of the annual retraining program.
- (d) How the amendment will assist in the effective administration of the statutes: KRS 351.106 provides the department the authority to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all

certified persons. These amendments are necessary to implement the requirements of SB 249 from the 2017 Legislative Session.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to any entity that operates an underground mine within Kentucky or any certified miner in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will be trained by a program established by the Department for Natural Resources.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a cost increase associated with the proposed amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be no change in benefits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No. All certified miners will be required to meet the same requirements.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:030  
Contact Person: Michael Mullins, Reg. Coordinator

Contact number: (502) 782-6720  
Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Natural Resources, Division of Mine Safety.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.106
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.
  - (c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.
  - (d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.